



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** October 29, 2013

**SUBJECT:** **BZA Case 18633** – special exception and variance relief requested to allow renovation of a former apartment building located at 2826 Q Street SE for a community service center

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) supports **approval** of:

- Special exception relief in accordance with §§ 334.3 via 352.1 for the proposed community service center;
- Special exception relief in accordance with § 411.11 for multiple roof structures, two of which do not maintain the required 1:1 setback from all building edges; and
- Variance relief from the following provisions:
  - § 334.3 (structural alteration limitations);
  - § 402.4 (a maximum floor area ratio (FAR) of 0.9 allowed, 1.65 FAR existing, 1.88 FAR proposed);
  - § 403.2 (a maximum lot occupancy of 40% allowed, 53% existing, 56.2% proposed); and
  - § 2001.3 (the proposed addition would make the current nonconforming FAR and lot occupancy more nonconforming).

The following approval conditions are also recommended:

- restrict onsite activities to those directly related to service center programs; and
- require that the existing parking pad be repaved and striped in accordance with the applicable provisions of §§ 2115-2117.

The OP analysis is based on the information and slightly modified plans provided in the Pre-hearing Statement of the Applicant dated October 22, 2013. It also appears that relief requested from § 404.1 (a minimum rear yard setback of 20 feet is required, 12.46 feet exists and is proposed) may not be required per § 404.4 of the regulations.

### **II. LOCATION AND SITE DESCRIPTION:**

Address:	2826 Q Street SE
Legal Description:	Square 5583, Lot 804
Ward:	7B



Lot Characteristics:	The rectangular shaped corner lot of 5,166 square feet (0.12 acre approximately) with frontages along 28 <sup>th</sup> Place, Q Street SW and a public alley 15 feet wide that extends north from Q Street. The property slopes down from the eastern boundary toward 28 <sup>th</sup> Street SW (reference Figures 1 and 2).
Zoning:	R-5-A – a community service center is allowed with special exception approval.
Existing Development:	According to the application, the property is developed with a three-story apartment building <i>constructed in 1942</i> that has been vacant for 22 years (since 1991). Building facades sit on the southern and western property boundaries and a deteriorated parking pad wide that appears enough for five vehicles extends along the entire eastern boundary of the site (reference Figures 1 and 2).
Historic District:	None
Adjacent Properties:	Occupied apartment buildings of similar scale on three sides and two-story and two story, semi-detached dwellings to the west across 28 <sup>th</sup> Street SE.

### III. PROJECT DESCRIPTION IN BRIEF

Applicant	National Community Church (NCC), the owner of record
Proposal:	<p>To convert the vacant three-story apartment building on the subject property into a community service center. The new use would occupy all three floors and the basement. Planned interior renovations and new construction would bring the building up to current Building Code standards. Office spaces, meeting rooms, and multi-purpose rooms would be created throughout the building. The third floor multipurpose room would double as an indoor basketball court. To accommodate this activity, the third floor ceiling height would be raised, increasing the overall building height from 30 to 40 feet. The total number of floors would remain the same.</p> <p>The most significant exterior improvement at the ground floor level would be an 8'-4" x 20'-11" addition to the eastern façade that would surround one of the two new interior stairs. The addition itself would set back approximately 21'-1"<sup>1</sup> from the northern (rear) boundary and 19'-4" from the eastern (side) boundary, distances that exceed the minimum 20 feet and 8 feet required, respectively, under §§ 404.1 and 405.9. The eastern staircase would extend from the first floor to the roof while the western staircase and new elevator beside it would service the basement to the roof.</p> <p>New roof structures would include the two stair enclosures, the elevator and a trellis that would continue from the ground floor up the front building façade and across the roof. The stair and elevator enclosures would be the same 8'-6" height above the roof but would</p>

<sup>1</sup> Addition rear yard setback = 12.46 feet (rear yard to rear building façade) + 8.67 feet (rear addition wall to rear corner of the building) = 21.12 feet

	<p>not be connected. The trellis would be 10 feet above the roof with a slate-spacing of 2-feet on-center.<sup>2</sup> Of the four roof structures, only the western stair would set back from all building edges a distance that equals or exceeds its height. There will also be rooftop paving with seating for the use of staff and the center clientele.</p> <p>New concrete steps and a ramp would also be constructed along the southern (front) façade in the adjacent public space.</p> <p>In light of these structural changes, the application requested variance relief from the following provisions in addition to the special exception required in accordance with §§ 334.3 and 352.2 for the proposed use:</p> <ul style="list-style-type: none"> <li>• § 334.3 for structural alterations not required by the Building Code or other regulations;</li> <li>• § 402.4 for exceeding the allowable floor area ratio;</li> <li>• § 403.2 for exceeding the allowable lot occupancy;</li> <li>• § 404.1 for new construction in the required rear yard<sup>3</sup>;</li> <li>• § 411.11 for multiple roof structures without the required setbacks; and</li> <li>• § 2001.3 because the addition would increase the existing nonconforming floor area ratio and lot occupancy.</li> </ul>
Relief Sought:	Special exception relief and variance relief listed above.

#### IV. ZONING REQUIREMENTS

R-5-A District	Regulation	Existing	Proposed <sup>4</sup>	Relief
Height (ft.) § 400.1	40 feet, 3-stories	30-feet, 3 stories	40 feet	None
Floor Area Ratio § 402.4	0.9	1.65	1.88	+0.98
Floor Area	4,679 sq. ft.	8,524 sq. ft.	9,712 sq. ft.	+5,033 sq. ft.
Lot Occupancy § 403.2	40.0% max.	53.0%	56.2%	+16.2%
Rear Yard (ft.) § 404.1	20 feet	12.46 feet	SAME	None <sup>5</sup>
Side Yard (ft.) § 405.9	3 in./vert. foot, not less than 8 ft.	27.82 feet	19.32 feet	None
Roof Structures § 777	One structure, 1:1 setback from building edges	None	Multiple structures, different heights, inadequate setback	Yes
Parking, Vehicle § 2101	1 space per 2,000 sq. ft. <sup>6</sup>	5	5	None

Section 2001.3 of the regulations states:

*§ 2001.3 Enlargements or additions may be made to the structure; provided:*

<sup>2</sup> The Zoning Administrator previously determined that trellises with slates spaced 2-feet apart do not contribute to lot occupancy or FAR.

<sup>3</sup> The *height* of the rear façade would be increased within the 20-foot required rear yard setback.

<sup>4</sup> Information provided by applicant in the Pre-hearing Statement.

<sup>5</sup> As provided under § 404.4.

<sup>6</sup> “Community center” parking requirement in Chapter 21.

- (a) **The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and**
- (b) **The addition or enlargement itself shall:**
  - (1) **Conform to use and structure requirements; and**
  - (2) **Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.**

The building on the subject property currently exceeds the allowable lot occupancy and addition would enlarge the building and *increase* this nonconformity. The taller third floor would *extend* the rear wall located within the required rear yard and nonconforming structures would be added to the roof. Accordingly, relief is required from this provision. However, the regulations also include this provision:

404.4 In the case of a **building existing on or before May 12, 1958**, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

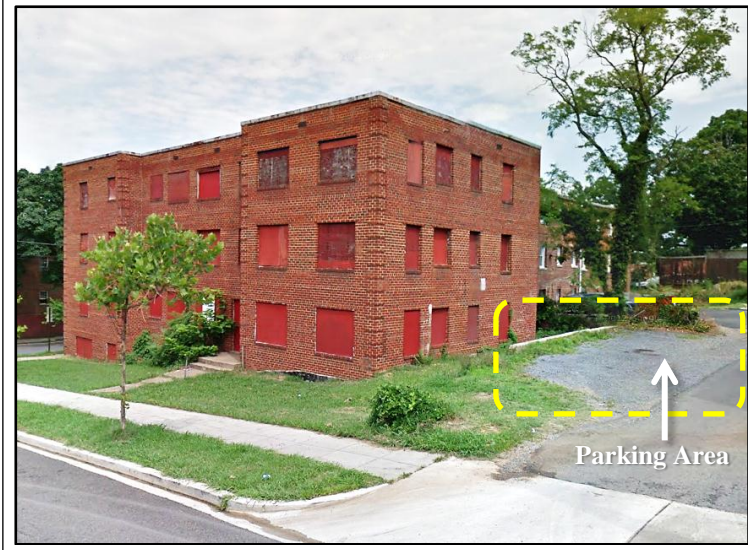
As a result, relief does not appear to be required from § 404.1 to increase the third floor ceiling height by extending the northern façade within the required rear yard setback.

## V. OP ANALYSIS

### a) Compliance with Community Service Center Standards per § 334 via § 352.1

334.1 A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Figure 1



334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.

The current orientation of the building, with the front entrance along Q Street SE and location of existing parking off the alley, would remain the same as it has been for decades. The property is immediately accessible to the adjacent streets. According to the application, the building interior is being renovated to accommodate all center program activities. Based on this information, activities associated with center program should not create any objectionable conditions in the neighborhood.

Adding an approval condition limiting the use of the building and site to service program activities of the NCC would help ensure this continues to be the case.

- 334.3 *No structural changes shall be made except those required by other municipal laws or regulations.*

The Pre-hearing Statement listed many of the interior and exterior improvement required to improve accessibility and meet the current Building code standards. Among these improvements is the necessity to remove or replace ceiling joists on the third floor level.

- 334.4 *The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.*

The Pre-hearing Statement indicates that NCC would provide service center programs at this facility intended to serve the surrounding Randle Heights community through youth mentoring, spiritual and economic development, academic, social and cultural activities.

- 334.5 *A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.*

The application indicates that NCC meets this standard, although OP suggests that the applicant add the appropriate documentation to confirm this status in the District of Columbia to the record case file.

b) Compliance with Allowances for Rooftop Structures per § 334

- 411.11 *Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the **location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.***

The Pre-hearing Statement indicated that the elevator and new stairs are necessary to comply with Americans with Disability Act (ADA) and Building Code requirements for multiple means of building egress that must be separated. To comply one set of stairs and the elevator would be located along the western façade and the other stair along the opposite façade, within the proposed addition.

Locating the elevator in the northwest corner of the building would allow service to extend to the basement, and preserves the flexibility of the multipurpose floor plans generally and the basketball court in particular. The elevator overrun would also be less visible from 28<sup>th</sup> Street. Shifting the elevator away from the corner and into the floor plate would negatively impact the utility gained on floor level by removing the central stair. Mezzanines created above the third floor allows the stair enclosures to be shift away from the building edges, but not enough to uniformly meet the 1:1

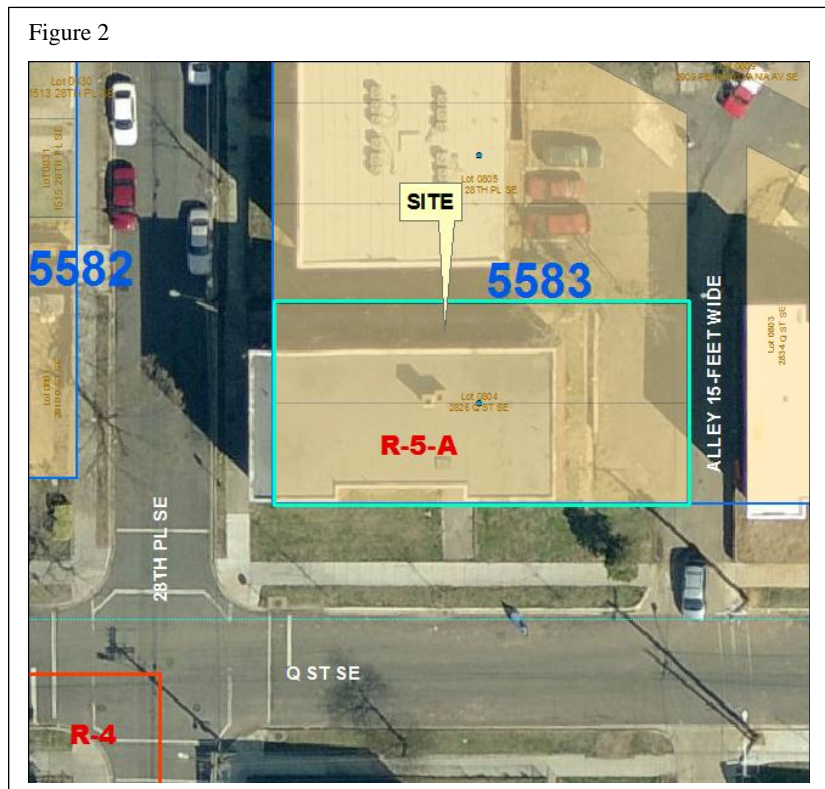
Conversely, wrapping a single enclosure around all roof structures would result in a much larger structure with a greater impact visual. As a result, OP concluded that the roof structure placement is justified and would not adversely impact the light and air available to adjacent buildings.

- **Unique conditions or circumstances:**

- **Exceptional or practical difficulty:**

Exceptions are raising the third floor ceiling height and the addition of the proposed exterior trellis structure. Planned program activities could not be accommodated within the building without the additional ceiling height. The application did not explain the practical difficulty associated the trellis structure not being allowing.

A new elevator, two interior stairs and their placement on opposite sides of the building are also requirement. It is evident from the submitted plans that construction of both stairs *within*



the existing building footprint could significantly impact the floor area available to conduct center program activities and create corner spaces of limited utility on every floor. The applicant's ability to create the office configuration and multipurpose spaces on the different levels, apparently necessary to conduct the service center programs, would also be limited. Under these circumstances, a relatively small stair addition that would minimally increase the nonconforming FAR and lot occupancy which preserving more of the existing building floor area, is a more rational approach.

Regarding the § 2001.3: The referenced limitations on additions to nonconforming structures present a practical difficulty because the provisions would not allow the above-referenced extension and minimal expansion that would to bring the existing building *further* out of compliance with current lot occupancy and yard requirements.

- **Detriment to the Public Good:**

Based on the programs outlined for the facility, applicant efforts to limit the impacts of the proposed structural changes on neighboring properties, and the NCC focus on serving the surrounding community, it does not appear that this proposal would be detrimental to the public good. Rather, the facility is intended to provide a new, valued service to the neighborhood. The following approval conditions are suggested requiring the applicant to:

- restrict activities onsite the those directed related to NCC programs; and
- repave and strip the existing parking area to comply with §§ 2115-2117.

Approval of the required relief, as conditioned above, would therefore not be inconsistent with the intent of the Zoning Regulations.

## **VI. AGENCY COMMENTS**

The District Department of Transportation stated in a memorandum dated October 24, 2013, that it has no objection to the approval of the requested zoning relief. It also observed that this proposal may result in a slight increase in vehicle parking in the immediate area.

## **VII. COMMUNITY COMMENTS**

Advisory Neighborhood Commission (ANC) 7B considered this proposal on September 22 and October 17, 2013. According to the Pre-hearing Statement, the ANC voted to support this current proposal as presented.